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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,983	03/15/2004	G. Glenn Henry	CNTR.2073	1410
23660 7590 01/26/2011 HUFFMAN LAW GROUP, P.C. 1900 MESA AVE. COLORADO SPRINGS, CO 80906				
EXAMINER TRAORE, FATOUMATA				
ART UNIT 2436		PAPER NUMBER		
NOTIFICATION DATE 01/26/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOHLG@me.com

Office Action Summary

Application No.

10/800,983

Applicant(s)

HENRY ET AL.

Examiner

FATOUMATA TRAORE

Art Unit

2436

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-15, 17-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-15, 17-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the amendments filed 10/22/2010. Claims 1, 9-12, 14, 15, 17 and 22 have been amended. Claims 2, 3, 7, 16, 21 and 26 have been cancelled. Claims 1, 7-15, 17-20 and 22-25 have been mended and are considered below.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 17 and 35 of US Application No. 10,963,427 contain(s) every element of claims 1, 17 and 22 of the instant application and as such are not patentably distinct from an earlier patent claim(s).

4. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. *In re Longi*, 759 F.2d at 896, 225

USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus).” ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

10/800983	10,963,427
1.(Currently Amended) An apparatus for performing cryptographic operations, comprising: an x86-compatible microprocessor, comprising: an instruction register within a x86-compatible microprocessor having a single, atomic cryptographic instruction disposed therein, wherein said single, atomic cryptographic instruction prescribes an encryption operation, and wherein said single, atomic cryptographic instruction prescribes that a user-generated key schedule be employed for execution of an encryption operation, and wherein said	1.(Currently Amended) An apparatus, configured to perform a hash operation, the apparatus comprising: an x86-compatible microprocessor, configured to execute an application program that is fetched from a memory, and configured to execute a single, atomic hash instruction within said application program that directs said x86-compatible microprocessor to perform the hash operation, said single, atomic hash instruction comprising: an opcode field, configured to prescribe that the x86-compatible microprocessor accomplish the hash operation; and

<p>encryption operation that is prescribed by said single, atomic cryptographic instruction comprises encryption of a plurality of plaintext blocks to generate a corresponding plurality of ciphertext blocks;</p> <p>a keygen unit, operatively coupled to said instruction register, configured to direct said x86-compatible microprocessor to load said user-generated key schedule; and</p> <p>an execution unit, operatively coupled to said keygen unit, configured to employ said user-generated key schedule to execute said encryption operation, said execution unit comprising:</p> <p>a cryptography unit, configured execute a plurality of cryptographic rounds on each of a plurality of input text blocks to generate a corresponding each of a plurality of output text blocks, wherein said plurality of cryptographic rounds are prescribed by a control word that is provided to said cryptography unit, wherein said cryptography unit executes a first plurality</p>	<p>a repeat prefix field, coupled to said opcode field, configured to indicate that the hash operation prescribed by said single, atomic hash instruction is to be accomplished on one or more message blocks;</p> <p>said x86-compatible microprocessor comprising:</p> <p>a hash unit, configured to execute a plurality of hash computations on each of said one or more message blocks to generate a corresponding intermediate hash value, wherein a last intermediate hash value that is computed for a last message block after processing all previous message blocks comprises a message digest corresponding to said one or more message blocks, and wherein said corresponding intermediate hash value is stored to memory prior to allowing a pending interrupt to proceed, and wherein said hash unit executes a first plurality of micro instructions generated by translation of said single, atomic hash instruction; and</p>
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<p>of micro instructions generated by translation of said single, atomic cryptographic instruction; and</p> <p>an x86 integer unit, an x86 floating point unit, an x86 MMX unit, and an x86 SSE unit, wherein said cryptography unit operates in parallel with said x86 integer unit, said x86 floating point unit, said x86 MMX unit, and said x86 SSE unit, to accomplish said encryption operation, wherein said x86 integer unit executes a second plurality of micro instructions generated by said translation to test a bit in a flags register, to update text pointer registers, and to process interrupts during execution of said plurality of cryptographic rounds.</p>	<p>an x86 integer unit, wherein said hash unit operates in parallel with said x86 integer unit to accomplish the hash operation, and wherein said x86 integer unit executes a second plurality of micro instructions generated by translation of said single, atomic cryptographic instruction to test a bit in a flags register, to update text pointer registers, and to process interrupts during execution of the hash operation.</p>
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Response to Arguments

5. Applicant's arguments, see pages 15-17, filed 10/22/2010, with respect to claims 1, 17 and 22 have been fully considered and are persuasive. The rejection of claims 1, 7-15, 17-20 and 22-25 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FATOUMATA TRAORE whose telephone number is (571)270-1685. The examiner can normally be reached on Monday- Friday (every other Friday off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NASSER MOAZZAMI can be reached on 571 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fatoumata Traore/
Examiner, Art Unit 2436

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Wednesday, December 29, 2010

/Nasser Moazzami/
Supervisory Patent Examiner, Art Unit 2436